



REVIEW COMMITTEE

2.1 -Recognition.
PRC agreed work performed
by agency empl @DCPP is
not bu work.



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INTERNATIONAL BROTHERHOOD OF
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R.W. STALCUP, SECRETARY

APR - 3 1992

D.J. BERGMAN, CHAIRMAN

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

**CASE CLOSED
LOGGED AND FILED**

RECEIVED APR - 1 1992

ENCON Grievance No. 3-2015-89-120
P-RC 1444

March 19, 1992

BYRON TOMLINSON, Company Member
ENCON
Joint Grievance Committee

BARRY HUMPHREY, Union Member
ENCON
Joint Grievance Committee

Subject of the Grievance:

The use of agency personnel to perform bargaining unit work.

Facts of the Case:

The work in question was being performed by a Technical Assistant now classified as a Work Package Coordinator. This individual is an agency employee, having worked continuously at Diablo Canyon Power Plant continuously since April 1983. On September 26, 1989, Union filed a grievance claiming the work performed by this agency employee properly belonged within the IBEW bargaining unit.

The Local Investigating Committee and Joint Grievance Committee were unable to resolve the issue and the case was referred to the Pre-Review Committee on April 19, 1990. The Pre-Review Committee subsequently returned the case to a subcommittee for further information.

The work performed by the agency employee in question now consists of the following duties as determined by the Subcommittee:

- o Discipline or Lead Worker when work packages are developed as a result of an A/R (action request) or a DCN (Design Change Notice).
- o Use drawings to order material.
- o Orders material through procurement specialist.
- o Inspects material received.
- o Requests and verifies clearances.
- o Inspects work site before, during, and upon completion of the package.
- o Tailboards the crew.
- o Monitors progress of the job.
- o Recommends changes to the engineer.
- o Reviews the completed work and recommends close out of the work package.

Discussion:

Company argued that the work being performed now and previously was not bargaining unit work. In Grievance No. 3-1887-88-124, it was determined that most of the work performed by the agency employee was not performed by IBEW-represented employees.

At the outset of the investigation in this case, Union argued that the work fell within the scope of duties of the Engineer's Aid classification (work which has subsequently been added to the Field Clerk classification as of 1/1/91); that at the time the grievance was filed, the work was clerical in nature; that the continued and long term use of an agency employee to perform bargaining unit work was a violation of Arbitration Case No. 142 and Review Committee Case No. 1637.

Based upon the findings of the Subcommittee, Union stated they believed the evidence supported their claim that in September 1989 the work performed by the agency employee was substantially clerical and was within the scope of duties identified as belonging to the Engineer's Aid classification in an earlier grievance settlement. However, Union conceded that the duties currently being performed by the agency employee, as recounted above, are not those normally performed by IBEW-represented employees. Union expressed frustration in conjunction with the initial investigation, believing that some witnesses who were interviewed by the LIC were less than candid in their testimony.

March 19, 1992

Decision:

Based on the report of the Subcommittee, the Pre-Review Committee agreed the duties performed by the agency employee in question are not currently those normally performed by IBEW-represented employees.

On the basis of the above, this case is closed without adjustment and without prejudice to the position of the Union.



DAVID J. BERGMAN, Chairman
Review Committee



ROGER W. STALCUP, Secretary
Review Committee

JAMoffat(223-5665):nj